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DR. T. B. LITTLE,  
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Brewers vs. Tate & Oliver. Garnishment,  
to evict intruder from Pierce. Judgment.

W. BAKER & CO., Dorchester, N.Y.

## THE SUPREME COURT.

DECISIONS RENDERED TUESDAY,  
APRIL 16, 1884.

Hon. James Jackson, Chief Justice; Hon. Same; Hall and M. H. Blandford, Associate Justices.—  
He voted for the Constitution by J. H. Lumpkin, Supreme Court Reporter.

Johnson vs. State. Murder, from Dougherty.  
Criminal Law. Murder. Manslaughter.  
Reasonable Fears. Evidence. Dying declarations.  
(Before Judge Bower.)

Jackson, C. J.—Where it appeared that one accused of murder had been accosted by the brother of the deceased, it was the aggressor in a series of altercations which culminated in a deadly struggle between the two, during which the accused wrested his antagonist's pistol from him, and fired a shot or two over his head on to him, when the deceased ran up from the store of his brother to the scene of the fight, and as he approached, was struck in the head with a stone and shot him down, and then turned it again upon his former antagonist, such facts should not have been left entirely unnoticed in charging upon the subject of reasonable fears, and an omission to charge concerning them will require a new trial, although the law requires that the parties be given a reasonable time to consider. If the facts and circumstances surrounding the accused were such as to excite the fears of a reasonable man that a joint felonious assault was being made upon him, the verdict should be justifiable homicide; it should be voluntary manslaughter if there were such on the part of the facts as to excite the fears of a reasonable man that some bodily harm less than felony was imminent and impending; it should be murder if the circumstances were not such as to excite the fears of a reasonable man that he was in any dangerous situation at all.

H. Nichols, for plaintiff in error.  
S. W. Hitch; A. B. Estes, Jr., by Harrison  
& Peeples, for defendant.

Anderson vs. Walker & English. Practice in Supreme Court.  
(Before Judge Pottle.)

Hall, J.—Where the certificate of the presiding judge shows that the oil of exceptions as presented is not true, but he certifies that it is true with certain material qualifications stated in the certificate, the writ of error will be dismissed. (67 Ga., 764; 68 Ga., 27; McCal-  
lum, 107 Ga., 223.)

(a) When the error in the writ of exceptions was put in writing by the judge, and his objections to it were thus made known to the party applying therefore, he should have proceeded to remove the same in the manner prescribed by § 237 of the Code.

3. When one voluntarily shoots at another and the shot kills, the homicide can be involuntarily, the judge should not confine the present case because upon looking into the record no error appears.

Writ of error dismissed.

J. T. Jordan, for plaintiff in error.

James Whitehead, by brief, for defendant.

Garnier vs. Smith et al. Equity, from Hall-  
cock. New Trial. (Before Judge Pottle.)

Hall, J.—The verdict is supported by the evidence, and the presiding judge did not abuse his discretion in refusing a new trial.

Judgment affirmed.

Worley & Carlton, for plaintiff in error.

John F. Shannon, for defendant.

State vs. Miller, from Ware. Criminal Law. Murder. Manslaughter.  
Reasonable Fears. Evidence. Dying declarations.  
(Before Judge Bower.)

Jackson, C. J.—Where it appeared that the accused of murder had been accosted by the brother of the deceased, it was the aggressor in a series of altercations which culminated in a deadly struggle between the two, during which the accused wrested his antagonist's pistol from him, and fired a shot or two over his head on to him, when the deceased ran up from the store of his brother to the scene of the fight, and as he approached, was struck in the head with a stone and shot him down, and then turned it again upon his former antagonist, such facts should not have been left entirely unnoticed in charging upon the subject of reasonable fears, and an omission to charge concerning them will require a new trial, although the law requires that the parties be given a reasonable time to consider. If the facts and circumstances surrounding the accused were such as to excite the fears of a reasonable man that a joint felonious assault was being made upon him, the verdict should be justifiable homicide; it should be voluntary manslaughter if there were such on the part of the facts as to excite the fears of a reasonable man that some bodily harm less than felony was imminent and impending; it should be murder if the circumstances were not such as to excite the fears of a reasonable man that he was in any dangerous situation at all.

H. Nichols, for plaintiff in error.  
C. Anderson, attorney general; G. B. Mc-  
Bride, solicitor general, by Harrison & Peeples, for the state.

Board of Education of Glynn county vs.  
Mayor, etc., of Brunswick et al. Injunction.  
Glynn County. Constitutional Law.  
Practice in Supreme Court. Education  
of Glynn county. (Before Judge Mershon.)

Jackson, C. J.—The plaintiff in error has brought in a justice's court for \$90.00 damages and \$20.00 attorney's fees, and after judgment for the plaintiff for \$90.00, the defendant gave notice of an intention to appeal to the superior court, but before it had done so the plaintiff entered an appeal to a justice in the justice's court, the subsequent entry of which the plaintiff appealed to the superior court did not serve to remove the case from the justice's court, though two days afterwards the incumbents ordered another election to take place on the 14th of the month; this took place after five days notice, and the votes were cast, and relators were elected.

Held, that the relators are estopped by their conduct, and an application from them for leave to file a petition in the nature of a quo warranto was properly refused.

Judgment affirmed.

McLendon; Goodey & Kay, for plaintiff in error.

G. J. Holton & Son, by Henry B. Tompkins, for defendant.

Lowery vs. State. Murder, from Appling.  
Criminal Law. Accomplice. Accessory.  
Witnesses. Evidence. Practice in Supreme  
Court. (Before Judge Mershon.)

Jackson, C. J.—When a person is killed by the running of the train of a railroad company, the presumption that the death was caused by the negligence of the company arises, and the burden of rebutting it rests upon such company; but this burden was successfully carried under the facts of this case.

(a) The other objections to evidence seem to be of little consequence.

Judgment reversed.

J. W. McLendon; Goodey & Kay, for plaintiff in error.

G. J. Holton & Son, by Henry B. Tompkins, for defendant.

Lowery vs. State. Murder, from Appling.  
Criminal Law. Accomplice. Accessory.  
Witnesses. Evidence. Practice in Supreme  
Court. (Before Judge Mershon.)

Jackson, C. J.—The plaintiff in error has brought in a justice's court for \$90.00 damages and \$20.00 attorney's fees, and after judgment for the plaintiff for \$90.00, the defendant gave notice of an intention to appeal to the superior court, but before it had done so the plaintiff entered an appeal to a justice in the justice's court, the subsequent entry of which the plaintiff appealed to the superior court did not serve to remove the case from the justice's court, though two days afterwards the incumbents ordered another election to take place on the 14th of the month; this took place after five days notice, and the votes were cast, and relators were elected.

Held, that the relators are estopped by their conduct, and an application from them for leave to file a petition in the nature of a quo warranto was properly refused.

Judgment affirmed.

McLendon; Goodey & Kay, for plaintiff in error.

G. J. Holton & Son, by Henry B. Tompkins, for defendant.

Milburn vs. Penniman et al. Refusal of Injunction, from Glynn. Equity. Practice in Superior Court. Parties. Amendment. Jurisdiction. Trespass, Principals and Agents. (Before Judge Mershon.)

Jackson, C. J.—It was held that the plaintiff in the case was not entitled to a new trial on the ground that the motion for new trial had not been filed in the clerk's office, inasmuch as the judge himself had handed the papers to the clerk for filing, and was cognizant that the default was the clerk's, and could not be attributed to the movant or his counsel.

2. But when the movant himself called the court's attention to the failure to file the motion, and virtually declined to go on with the cause at the time set for trial, sought to delay the trial, and thus sought to take advantage of the omission of the clerk in reference to his own motion, a dismissal of the motion was right.

(a) If the dismissal was right, it will be affirmed, though put on a wrong reason.

Judgment affirmed.

F. W. Clegg, Jr., by M. Cumming, for plaintiff in error.

Wm. H. Fimling, by brief, for defendant.

Gray & Co. vs. McDaniel, for use. Complaint from Catoosa. Vendor and Purchaser. Contracts. Verdict. Evidence. Practice in Supreme Court. (Before Judge J. F. Fair.)

Jackson, C. J.—Where it appears that the plaintiff in the case is not entitled to a new trial on the ground that the motion for new trial had not been filed in the clerk's office, inasmuch as the judge himself had handed the papers to the clerk for filing, and was cognizant that the default was the clerk's, and could not be attributed to the movant or his counsel.

2. But when the movant himself called the court's attention to the failure to file the motion, and virtually declined to go on with the cause at the time set for trial, sought to delay the trial, and thus sought to take advantage of the omission of the clerk in reference to his own motion, a dismissal of the motion was right.

(a) Where questions were asked, but were not answered, and it was not stated what answers were expected, and therefore could not be proved, and the judge certifies that this was done after the case had been ruled, so that no injury appears, a reversal will not be granted on that ground.

Judgment affirmed.

W. H. Payne; R. J. McCamy, for plaintiffs in error.

A. T. Hackett; W. K. Moore, for defendant.

State vs. Johnson, from Hall. Constitutional Law. Charters. Railroads. Municipal Corporations. (Before Judge S. E. Stew.)

Jackson, C. J.—It was held that the motion for new trial should be dismissed on the ground that the motion for new trial had not been filed in the clerk's office, inasmuch as the judge himself had handed the papers to the clerk for filing, and was cognizant that the default was the clerk's, and could not be attributed to the movant or his counsel.

2. Where the defendant had filed a motion for new trial, and the judge had not granted it, the plaintiff in error had the right to file a new motion for new trial.

(a) In such a case the participants are the eye of the law all principals, and relief prayed against each and all is substantial.

Judgment reversed.

Goodyear & Kay, for plaintiff in error.

Crovatt & Whitfield, for defendants.

Johnson, agent, vs. Dickson, agent. Affidavit  
and cross affidavit from Pierce. Judgment.

Brewers vs. Tate & Oliver. Garnishment,  
to evict intruder from Pierce. Judgment.

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## THE CONSTITUTION: ATLANTA THURSDAY, APRIL 17, 1884

## THE CONSTITUTION.

PUBLISHED DAILY AND WEEKLY.

ATLANTA, GEORGIA.

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THE CONSTITUTION,  
ATLANTA, GEORGIA.

ATLANTA, GA., APRIL 17, 1884.

INDICATIONS of the weather for South Atlantic states: Fair weather, southwest to northwest winds, becoming variable, higher barometer, slight fall in temperature.

GENERAL GORDON has been heard from in Khartoum. His dispatches, however, are unintelligible, and there is doubt as to his real condition.

THE South Carolina republicans passed resolutions of condolence with General Grant. After the national election is over they will meet and condole again.

NEWSPAPERS may write him down as despicable, and he may be as reluctant as ever, but still West Virginia calls for Tilden. And that call is destined to become national.

THE late President Garfield's effusive friend, General Swaine, does not seem to be on good terms with his banker. Charges have been preferred against him of a serious nature.

REPRESENTATIVE BLOUNT, of Georgia, spoke in advance of the Morrison bill, yesterday. He asserted that the successful party of his future would be that party which reduced taxation the most.

THE sudden development of strength by Mr. Blaine in the republican primaries has put the opposition into consultation as to who would best unite the opposition. It is supposed that this is the contingency which will bring Secretary Lincoln to the front.

## FOOD ADULTERATION.

There is no subject that more needs legislative supervision and a code of penalties than the adulteration of food. Not only should the manufacture of adulterated articles be prohibited, but the sale within the state should be rendered impossible. This is a matter in which the state should protect its citizens, because the average citizen is wholly unable to protect himself. Very few men can tell how much glucose has been put in the sugar or syrup that they buy, and yet the putting of glucose in such articles of food is a double fraud. The purchaser is thus induced to buy what he does not want, and he gets a product of low saccharine value, much lower than the price of the saccharine. The citizen cannot get sugar when he wants sugar, nor pure syrup when he wants syrup, unless the state intervenes. And so it is with a hundred other articles. When a man buys olive oil he gets an elevated price native cotton seed oil; in the salt he buys finds plaster of Paris; the vinegar of trade is often a wine and stomach-eating compound; the pepper in common use is chiefly blackened flour; the candy that our children eat is rarely free of glucose and white earth—but there is no need of extending the list. Through the tricks of unscrupulous manufacturers we eat what we would detect if we knew its nature, and what is at once unwholesome and a bare-faced fraud. The people are not chemists. They have no time to investigate food adulterations, no means to ascertain the facts if they had plenty of time in which to conduct an investigation. We need for the protection of the people a system of penalties and a system of inspection. Let the penalty, at least for a second offense, be something severer than a fine. Let the grocer who buys adulterated articles, because they bring in larger profits, understand that his wicked profits are liable to become a source of danger and loss to him. The people of other states are moving in this matter, and the people of Georgia should take good care that they do not become the consumers of articles that are elsewhere rejected.

DEMOCRATIC REFORMS. One of the favorite arguments of Mr. Morrison and the Kentucky statesmen in behalf of the tariff bill, which has been introduced in the house, is to the effect that if the democrats will show that they are genuine tariff reformers by exploiting and spouting about a measure which cannot become a law even if it should pass the house, they will have no difficulty in rousing up the republican party by attracting the sympathy and support of the republican party. The argument would be a plausible one if it had any basis, but it has nothing to stand upon.

If the democratic party should unanimously agree upon a free trade platform tomorrow, there is not a republican free trader who would support its candidate in preference to the republican protection candidate; one of the New York Times, one of the most eloquent of the republican tariff reformers, is already beginning to sneer at the Kentucky statesmen; the Boston Herald, which is in favor of what might be called graduated free trade, is opposed to the Morrison bill on the ground that it is not a tariff reform measure and that it is calculated to obstruct and prevent genuine tariff reform. The Chicago Tribune, which is a free trade republican paper, is disposed to be satirical at the expense of democratic free traders.

In short, there is not the slightest evidence to show that any republican free trader has the remotest idea of voting for a democratic president. The free trade republicans are republicans first and free traders afterwards. They will vote for the party of protection, and sir their free trade theories in the magazines.

Even Mr. Beecher, who is a man of extraordinary independence, and who is one of the most enthusiastic free traders in the whole country, declares that it would

be a "ridiculous and monstrous folly" to leave the republican party because it "is yet blinded with protection." There are democrats of the Watterson and Morrison variety who are willing to risk party success in behalf of a bill which represents a policy at present impracticable, but there are no republicans who are willing to vote for a democrat as against a republican protectionist.

Thus moved, the congressmen and politicians from the Pacific slope formed a line and marched to Mr. Tilden's mansion. Owing to the height of the fence they approached the mansion from the front and were admitted to Mr. Tilden's presence. They then inquired if Mr. Tilden was a candidate for the presidency. He smiled and said he was not. They then inquired if he would be a candidate for the democratic nomination. He smiled again, and declared he would not. They asked if Mr. Tilden had any candidate. He smiled once more and said he had none. As the Pacific congressmen and politicians failed to search Mr. Tilden to see whether he had a candidate concealed about his person, it is probable that they were satisfied with the rectitude of his reply, so to speak. Then they gravely bowed themselves out and marched down the boulevard to a pie-stand, where they added warmth to their wisdom.

It is a little singular, taking all the circumstances into consideration, that a company of democrats should call upon Mr. Tilden for the purpose of inquiring whether he is a candidate for the presidency, or for the democratic nomination. Mr. Tilden has repeatedly declared that he is not a candidate and that he will not be a candidate. His attitude is perfectly well understood. He has no desire to be president, and he is not a candidate for the democratic nomination.

The position of Mr. Tilden is peculiar. Even if he were anxious or ambitious to administer the affairs of the government, he could not afford to go before the democratic convention as a candidate. Nobody suspects that he is a candidate in the ordinary acceptance of that term; but every democrat who thoroughly understands and appreciates the situation hopes that if Mr. Tilden is nominated by the democratic convention he will undertake to lead the party to victory. He would have accepted, if the convention of 1880, ignoring his letter, had followed the dictates of wisdom and forced the nomination upon him. He will accept now when it is even more important that he shall rescue the party from the results of blundering and incompetent leadership.

GEORGE AUGUSTUS SALA does not put in as much hard work as the American journalists do, but he leaves his compositions well miles of sight when it comes to growing and grubbing. Mr. Sala is paid \$10,000 per year by the London Illustrated News for a page a week. He gets another \$10,000 a year from the Daily Telegraph for an occasional column editorial. Besides this he has an income from his books and magazine articles. This is very fair pay—in fact, it is remarkably high pay for journalistic work. And it will compare favorably with the remuneration of English literary men. Mr. Tenison only makes \$20,000 a year. Mr. Black's novels yield him twice as much. Mr. Charles Read averages \$5 a page. Mr. Herbert Spencer finds it difficult to earn five shillings a page. An unknown shoemaker's son receives \$8,000 a year from a London publisher for writing comic stories. From these specimens hastily culled, it will be seen that Mr. Sala has very little cause for complaint.

ATLANTA AND THE STATE. The attempt being made to show that Atlanta is at odds with the rest of the state in regard to the exhibit at New Orleans, will be with a hundred other articles. When a man buys olive oil he gets an elevated price native cotton seed oil; in the salt he buys finds plaster of Paris; the vinegar of trade is often a wine and stomach-eating compound; the pepper in common use is chiefly blackened flour; the candy that our children eat is rarely free of glucose and white earth—but there is no need of extending the list. Through the tricks of unscrupulous manufacturers we eat what we would detect if we knew its nature, and what is at once unwholesome and a bare-faced fraud. The people are not chemists. They have no time to investigate food adulterations, no means to ascertain the facts if they had plenty of time in which to conduct an investigation. We need for the protection of the people a system of penalties and a system of inspection. Let the penalty, at least for a second offense, be something severer than a fine. Let the grocer who buys adulterated articles, because they bring in larger profits, understand that his wicked profits are liable to become a source of danger and loss to him. The people of other states are moving in this matter, and the people of Georgia should take good care that they do not become the consumers of articles that are elsewhere rejected.

Mr. Bacon, who is the state commissioner, and quite as earnest and intelligent as the papers that are criticizing Atlanta, is perfectly satisfied with the attitude of the city. He is more than satisfied—he is enthusiastic. The result will prove that he is justified. An assessment of two per cent on the taxable property of each county has been laid for the support of the state exhibit. If the papers that are putting Atlanta in the attitude of unfriendliness to the state exhibit, will see that their cities come up to this assessment as handsomely as Atlanta does, there will be no trouble in raising the money that is needed.

Nothing but dense ignorance can excuse the suggestion that Atlanta is unfriendly to the state exhibit because she proposed making a collective exhibit apart from the state exhibit. In no exposition, at no time and in no country has a state exhibit and a city exhibit been made in the same department.

By the very nature of things

is made up of natural resources

of minerals, agricultural products, woods,

and what comes out of the soil. A city exhibit is made up of manufactured articles.

By the universal law of expositions,

the agricultural products cannot be put among the machinery, or the machinery among the agricultural products. It never has done, and it never will be. Director-General Burke stated positively that he could not do it in New Orleans. Nobody wants it done. The exhibition of watches, cutlery, brooms, and guns, etc., would not consent to go into the department where the mineral and agricultural resources of the states are exhibited. They want to go where the other watches and guns and cutlery are displayed, and where steam power is furnished to run their machinery. On the other hand, the men who exhibit the state's natural resources would not be willing to put them in among the machinery and miscellaneous exhibits. They want to put them where the natural resources of other states are exhibited and where intelligent comparison can be made.

Any sensible man will see that the placing of Atlanta's exhibit with the Georgia exhibit,

or vice versa, is simply and squarely impossible.

The exposition managers would not allow it. The state commissioner does not want it. Nobody else does. Will the papers that have so harshly criticized Atlanta for declining to do this impossible and absurd thing do the justice to acknowledge that it is both impossible and absurd?

## INTERVIEWING MR. TILDEN.

The other day a company of sad-eyed congressmen and politicians from the Pacific slope, called on Mr. Tilden at his house, and politely inquired whether he was or would be a candidate for the democratic nomination. They had heard so many rumors and so many conflicting statements, mainly from republican sources, in regard to Mr. Tilden's mental and physical condition, that they concluded to call on him to investigate the matter for themselves, so that they might be able to inform their friends and constituents whether Mr. Tilden takes his meals in a hammock,

whether he is fed with a spoon, and whether he proposes to run for the presidency on his own responsibility or at the request of Kentucky statesmen who, as representatives of the whisky ring and for the purpose of forwarding its interests, are supposed to have a causal connection with the democratic party.

Thus moved, the congressmen and politicians from the Pacific slope formed a line and marched to Mr. Tilden's mansion. Owing to the height of the fence they approached the mansion from the front and were admitted to Mr. Tilden's presence. They then inquired if Mr. Tilden was a candidate for the presidency. He smiled and said he was not.

They then inquired if he would be a candidate for the democratic nomination. He smiled again, and declared he would not.

They asked if Mr. Tilden had any candidate.

He smiled once more and said he had none.

As the Pacific congressmen and politicians failed to search Mr. Tilden to see whether he had a candidate concealed about his person,

it is probable that they were satisfied with the rectitude of his reply, so to speak.

Then they gravely bowed themselves out and marched down the boulevard to a pie-stand,

where they added warmth to their wisdom.

on forty-rod "pizen." The professional mixer who furnished the above information also stated that the best physicians are now taking a decided stand against brandy for medicinal purposes. They say that the stuff sold as brandy is adulterated to a greater extent than is the case with whisky. It is cheap and the pure article can always be had when a man is willing to pay for it. Regular booters have found this out, and instead of burning their interiors with bad brandy, they keep up a slow, gentle fire within by sticking to whisky.

We have searched Mr. Tilden's letter carefully,

and if he says that the Watterson Morrison pro-

gramme is necessary to the safety of the country

the fact has escaped us.

Salt in Sea-water—Profit in Cotton

Culture.

L. L. Rockmart, Ga.—What enables a city to be the capital of the state? What standard patent book in singing schools? Where can I find the why so called? What causes the overflow of the river? What is the prevailing religion of the South?

1. Accessibility, equal climate, good accommoda-

tions. 2. The gen of gems. 3. Any book store.

4. We do not know.

ECHOES FROM THE PEOPLE.

J. A. H. Middlebrook, Ga.—Mr. Sovill's address

is Atlanta, N. C. or Sanford, Fla.

We do not know the address of the other gentlemen you ask about.

A Bunch of Hard Ones.

J. M. B., Choctawhatchie, Ala.—What enables a city

to be the capital of the state? What standard pa-

tent book in singing schools? Where can I

find the why so called? What causes the overflow

of the river? What is the prevailing religion of the South?

1. The sea is divided in seventeen districts, the

solidity of which varies from 25 per cent of the

River of Bengal to 39 per cent in the Mediterranean.

The average is 34 per cent. 2. In the southeast

of Palestine at the mouth of the River Jordan.

It is so called because of the absence of animal

or vegetable life about its shores or in its waters.

The only plant of importance growing on its banks

is the tree of life.

The tree of life is the

tree of the

## THE STATES AROUND.

ROM VIRGINIA TO TEXAS, AND  
KENTUCKY TO FLORIDA.

Charleston. House-Sale of Cotton Mills New-  
Charlotte.—A Jacksonville, Florida, Merchant  
Makers an Assignment. Makers on  
Trial in South Carolina.—Etc.

telegraph to the Constitution.

CHARLESTON, April 16.—The city is full of visi-  
tors. The trotting and running races were well  
attended. A brilliant display was made at the  
fair, and attracted many visitors. The Grand  
State tilt and tournament takes place to-  
morrow.

Jacksonville, Florida.

JACKSONVILLE, April 16.—A J. A. Huan, dealer in  
cigars and tobacco, of this city, made an assign-  
ment to James F. Forni. Liabilities, \$40,000. As-  
sets \$16,000. The preferred creditors are the First  
National Bank, \$19,775; J. U. Schumacher, \$900,  
and Wm. W. & Co., \$655. It is thought he will  
be able to resume.

Chattanooga, Tennessee.

CHATTANOOGA, April 16.—A man supposed to be  
in Barrett's circus, attempted last night to  
windle subway's drug store by the old trick of  
managing to get his bill paid by his own blundering  
maneuver. He paid his bill to the hands of the drug-  
store. Fearing detection, if he failed to rectify the  
mistake he left the city immediately.

Information was received in this city this morning  
of the death of Mr. John King, circuit court  
judge of Gordon county. Mr. King was sixty-eight  
years of age.

Birmingham, Alabama.

BIRMINGHAM, Ala., April 16.—Detective Sullivan,  
of this city, beat Charles Foster, over the  
head with a club to day. The wounds are severe,  
but not fatal.

Waxman White, on the L & N, while attempting  
to cut a negro off the train at Oxford last night,  
was cut four times by the negro. The negro is un-  
known.

A large force of hands are at work on the Georgia  
Pacific repairing. The trains will run through  
in three days.

Charlotte, North Carolina.

CHARLOTTE, April 16.—In Mecklenburg court there  
was a trial for the homicide of Ray and Anderson  
who murdered three respectable citizens of Ben-  
derson for the possession of a mine. The men were  
to have been tried, but owing to threats of lynching,  
it was deemed inadmissible to bring them in until  
a military guard could be secured. The next case  
of interest is that of Jim Queen, who shot his  
cousin Queen, dead. On Sunday three weeks  
ago Jim was walking home with his girl, when Joe  
took her warm and walked off with her. On  
the next Sunday Jim tried the same game, when  
Jim shot him dead. The third case is that of a  
barkeeper who shot an obscure customer  
dead.

The Mountain Island cotton mills, in Gaston  
county, twelve miles west of Charlotte, were sold  
today to William J. Hooper, a capitalist of Balti-  
more for \$25,000. Hooper is a partner in the firm  
of Hooper & Son, the largest manufacturers of  
duck and twine in the United States, and it is ex-  
pected the Baltimore manufacturer will be removed  
south to the Mountain Island site, where compa-  
ny engineers have estimated there is 20,000 un-  
used horse power. It is undoubtedly one of the  
finest water powers in the United States. A large  
and magnificent factory building is to be erected  
on his summer and \$30,000 worth of new machinery  
will be put in at once.

CHATTANOOGA EPISCOPALIANS.

An Extraordinary Church Meeting Carried by a  
Division of the Church.

From the Chattanooga Times, April 15.

The issue in the Episcopal church reached a cri-  
sis yesterday and the scenes during the day were  
altogether unprecedented in the church history of  
Chattanooga. The division resolved itself into a  
struggle between two opposing tickets for vestry-  
men, as in that body was vested the authority  
either to retain Mr. Sneed or ask his resignation.

Carriages dashed in and out every few  
minutes, and the vestrymen, who had been  
quickly driven to other portions of the city for  
more. Several carriages were drawn up in front of  
the church the entire day.

At the close of the meeting to re-  
stated that all were doubtless aware of the object of  
the meeting. "We are here to day to elect a new  
vestry, and to ascertain the desire of the  
bishop and others, explanatory of his  
course and attitude. It is self evident that  
the vestrymen are to ascertain his course and attitude  
with his congregation whether he would be sus-  
tained. It is said that one more recited the more  
the division was affairs of his.

A motion was made that the polls be kept open  
until 4 p.m. This motion created another lively  
discussion, and it was characterized by several  
as an attempt to delay the election, as the  
church was called for and several presents were  
recited where the polls had been kept open until  
the opposition, indicating very broadly that  
Mr. Sneed would appoint his partisans as judges. A sharp conflict took place between Mr.  
Sneed and his friends, who were intented  
by various motions and counter motions.

After a long wrangle and a most extraordinary  
meeting the vestry, the election resulted in the  
choice of the new vestry by a vote of 9 to 78,  
and it is rumored that a new church will be organ-  
ized.

A Card from Mr. A. W. Gibson.

MACON, April 14th, 1884.—Editors Constitution—  
In your issue of 11th instant, I am reported by  
your correspondent as saying—Colonel Hardeman  
would not be a candidate for congress in the sixth  
congressional district. He is mistaken in this as I  
was not authorized to say so. Will you please make  
this correction and oblige.

A. W. GIBSON.

The following is the interview which Mr. Gibson  
conducted.

Mr. A. W. Gibson, Colonel Hardeman's partner  
in the cotton business, and a strong Blount man,  
said to day: "I don't believe Hardeman will enter  
the race for now. I have received  
a letter from his son, S. L., who informed me  
no one to state my candidacy for the coming race nor  
have I expressed any views on the subject. I still  
have my original plans and have not decided  
to set further."

"Who is the strongest man in the district?"

"The man, and the people all want him."

I have written to him, and I am sure that the  
sentiment of the people are for him."

Jonathan Nocross.

## TILDEN'S LETTER.

THE EX-PRESIDENT'S VIEWS ON  
THE FEDERAL CONSTITUTION.

Written to the Iroquois Club, of Chicago.—A Severe  
Assessment of Republican Misrule & a  
Plan for Reform—Said to Advise from  
the State of Oregon, Etc.

The following is a full text of ex-President  
Tilden's letter, which was published only in  
part yesterday, owing to the severe strain  
upon our columns:

### TILDEN THE FIRST CHICHE.

The West Virginia Democratic Delegates for the Head  
of the State—See the Headline.

CHARLESTON, W. Va., April 16.—The democratic state convention here to day, a resolution was adopted declaring Tilden the first choice of the convention for president. Delegates were chosen to the Chicago convention. No alternates were chosen. The instructions to the convention were that the delegates be cast for J. T. Tilden for president. A resolution to appoint a new state executive committee was defeated.

### THE INDEPENDENT REPUBLICANS.

NEW YORK, April 16.—A largely attended  
independent republican convention on the advice  
of making a national union of in-  
destructible states" the following letter was  
read by ex-Governor Tilden.

### MR. TILDEN'S LETTER.

GENTLEMEN.—I have had the honor to receive  
a copy of the letter from the third annual  
banquet of the Iroquois club to respond to the  
sentiment: "The Federal Constitution."

I have also received private letters asking a  
written response to the sentiment in case I  
am prevented from attending. I have been  
for some time and especially engrossed  
with business, and have no power to de-  
vote my time to you in writing, and my answer  
must be brief. On the formation of the federal  
constitution, Gouverneur Morris, who  
had been a conspicuous member of the con-  
vention, being asked what he thought of the  
constitution, replied: "That depends upon  
how it is administered." The democratic party  
originated in a resistance to the more ad-  
vanced patriots of the revolution to the effects  
which were made to change the character of  
our government by a false construction of  
the constitution.

Jefferson's election in 1800 rescued our free  
institutions from the hands of the Federalists  
and secured sixty years of administration  
mainly in harmony with their design  
and true character. When an attempt was  
made to break up the union and to dismem-  
ber the territorial integrity of the country  
the people were compelled to make a manly  
choice between the states' right of self-  
government and disunion. In  
politics; protesting against the convict system  
as degrading; indorsing substantially a protective  
tariff; hindering indorsing President  
Arthur's administration in the most  
marked manner; and supporting the  
educational bill as expressive of the wishes  
of Alabama republicans. Colonel Turner was  
re-elected chairman of the state executive  
committee by acclamation. The state executive  
committee was empowered to act in  
case a state ticket is to be announced, which  
is improbable.

### TENTH CONGRESSIONAL DISTRICT.

A Late Convention Favored the Savannah River  
as the Canal Route.

ATLANTA, Ga., April 20.—The democratic  
executive committee for the tenth congressional  
district meets in Augusta next to-morrow.

Delegates are coming in force from the  
country, and they favor a late nominating  
convention so that farm work may not  
be interrupted.

## THE FIRE FIGHTERS.

Continued from First Page.

Price, \$5 in gold. Louis Dinkler of Young Ameri-  
cas No. 3 of Macon.

A SERENADE.

The Pineses hope a band will only succeed in  
capturing the hook and ladder pines, but they  
were up and besieged the young ladies of the  
Wesleyan female institute to-night with their  
brass band. The young ladies all came out in  
response and Dr. Bass made an address of welcome,  
which was read by chief McDowell and Captain G.  
Talmadge.

THE RACEHORSES.

CHARLOTTE, April 16.—The city is full of visi-  
tors. The trotting and running races were well  
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THE FIRE FIGHTERS.



TTON PLANTER

T IN USE.  
unrolled seed with perfect regularity and is  
Send for price.HAR & CO.,  
GEORGIAABLE.  
RS IN THE WORLD  
EST WATER COOLERS,  
LY FANS, GATE CITY FILTERS,  
STARCH, AT  
I D E ' S -  
ND CHINA DEPOT.  
e prices—it will save you money.BERT & CO.—  
& LOOK CO'S CHAMPION  
R. PROOF SAFFS.  
S AND BOLT WORKS CLEANED,  
ATION, SAFFS OPENED, &c,  
Loyd street, ATLANTA, GA.E AGAIN!  
ROSSE,  
LE TAILOR,  
NTERS, ATLANTA.  
ING SUITS, PANTS, ETC.; ever in the ct.LANTA  
AND STOCK EXCHANGE  
STATE CAPITAL STOCK \$100,000.  
PRESIDENT AND MANAGER,  
DAD STREET.  
GA., MARCH 22D, 1884.CLAIM ANY EXTRAORDINARY FACILITIES  
to continue to receive the Chicago reports and  
notations. We are not on the rapid transit line.  
Commission: when on the Spot we  
corresponding reduction in Bulk Mail and Lard.  
J. F. CUMMINGS, President and Manager.

WHISKIES.

WHISKIES.

WHISKIES.

E STORE  
EE STREET.  
HANDSOMEST STORE IN ATLANTA.  
EVER OFFERED.  
We have come here to do business.

STRIEBLING.

F. R. MINCKLER, SECY.  
Wire & Iron Co.Manufacturers of  
MICH.  
Milk Cheese Saffs. Patent Gilding & Deco-  
rations. The Most Convenient & Handsomest  
Handsome Greer can supply you with  
the best.

Mention this Paper.

TAYLOR,  
syh Streets, ATLANTA,  
ERY STABLE  
OMP ATTENTION NIGHT AND DAY.

## THE TWO WRECKS.

THE BODIES OF THE DEAD MEN  
FOUND AND REMOVED.How the Wreck Appeared.—A Loss of \$75,000 to the  
Western and Atlantic to an Enormous Force at  
Work Removing the Debris.—Lots of Men  
the Line.—A Terrible Scene.

The scenes at the two wrecks on the Western and Atlantic yesterday were horrible. Yesterday morning at four o'clock the crews of men commanded by Captains John H. Flynn and Dave Wylie and Mr. Martin Dooly, were put to work to clear away the wreck and recover the dead men. The night before last the most of the men slept at Big Shanty and yesterday morning all responded on time. Big Shanty is situated almost centrally between the wrecks, and fortunately for the railroad there was a number train, composed of an engine and several flat cars, at the time of the two accidents. This engine rendered invaluable in the work of removing the debris and in transferring passengers. A crew under command of Messrs. Wylie and Dooly was taken to Moon's, where the wreck of the freight train occurred. No work was done at this place the night before on account of the fear that the engine would fail from its loyly perch on the side of the bank and crush those who were at work below. The engineer and fireman still lay.

BURIED BENEATH THE WRECK,  
while the tender of the engine and the remains of the two light cars were piled in broken shape upon the ground, and by the washout was about fifty feet across by forty feet in depth. The men went to work with a will to rescue the bodies of their unfortunate fellow workmen. The debris was being quickly moved, there being about sixty men at work, and those who were at work about the lower part of the engine and boiler, cried out, "Here he is," and on examination the dead body of Engineer McDonald was found. It was tightly wedged in between the fire box of the engine and the bank, and was almost completely buried under the earth and the wreck of the cars. Strong arms and willing hearts were soon at work, tearing away the broken glass and shoveling away the loose earth from the body and at 7:20 a.m., the body was raised from its resting place and placed on a litter by the brawny hands of his comrades, while their voices choked as they uttered the words of sympathy he had met. The scene presented was a moving one, and men turned their faces that they might not reveal the womanly tear in their eyes. The body was put on board a train and taken down to Marietta.

It was in the charge of an undertaker who prepared it for burial. The employer of the man and husband of Marietta assisted by the noble-hearted ladies who had made wreaths and crosses of immortelles and the casket was beautifully ornamented.

S. A. McDonald, or Sime McDonald as he was familiarly called, was known to almost every person along the line of the railroad having been running over the road for the past six years. On all sites nothing could be heard but regrets that such a noble hearted and Christian man had gone down to such a horrible and untimely death.

FINDING THE SECOND BODY.

Saddened by the shock, the men went back to work to find the body of Mr. McNaugh, the fireman. The work of removing the broken cars progressed swiftly. The pieces of timber and plank were taken aside and piled in great heaps. A great portion of the iron sheeting of the tender was torn off and caught by the engine and pressed by its weight on the upper end and by the weight of the beams of the freight cars flat against the side of the washout. Peering beneath this one of the men saw a portion of his clothing. The men set to work with shovels and axes to recover the body and about 12:30 o'clock it was pulled from the washout and placed in a litter and borne to a handcar. The face was washed and the clotted blood covered the head. The face was terribly bruised and cut, so much so that it was almost unrecognizable. There were several deep cuts on the forehead over the eyes. The hands were all broken and when the examiners found the body declared that what was there was a whole bone in it.

THE PASSENGER WRECK.

This washout occurred at the point where the Western and Atlantic railroad crosses the Peachtree bottom, about one mile north of Big Shanty. This is a small stream, about more than two or three yards wide. The terrible rain of last Monday night caused this small stream to rise higher than has ever been known before in the memory of the oldest inhabitant of that section of the country. It bore fences, trees and rubbish with terrible force down towards the culvert under the railroad track. Kit struck Jasper under the shoulder on the back of the washout, knocking him senseless. Kit then robbed his friend of his new clothes and \$6 in money.

IT WAS A DIFFERENT CHANCE.

E. D. Jefferson, a lame, jawed darkey, was arraigned for assaulting W. M. Harrison with intent to murder him. They had a dispute about ten cents for delivering a quarter's worth of stovewood and Mr. Harrison ordered Jefferson out of his office. Jefferson then hit him in the face with a heavy rock, fell him to the floor, and then struck him four times with a chain. It was due to the interference of Mr. Harrison's clerk that the assault was stopped before more serious work was done. The case was given to the jury with instructions to return a sealed verdict this morning.

LOCAL RAILROAD POINTS.

There is such a thing as fellow feeling among the passengers on the trains. The Western and Atlantic road is carrying northward East Tennessee, Virginia and Georgia passengers on the tickets of the last named road. This a great accommodation to the public and to the East Tennessee, Virginia and Georgia people.

INTO THE JAWS OF DEATH.

When the mail car made the plunge into the jaws of death, the engineer, considering the track perfectly safe, the engine ran lightly across the broken rails when the mail car broke through, the strain upon it breaking it in two unequal parts, and also breaking the tender loose from the engine, jerking the tender with it into the yawning abyss. The engine landed across the fill and lay almost evenly balanced on the edge of the break. The break extended to the entire height of the bank, about 75 feet, and was about 50 feet across.

THE NEW PASSENGER DEPOT OF THE EAST TENNESSEE, VIRGINIA AND GEORGIA ROAD, AT THE MONTGOMERY POINT, IS BEING BUILT, AND IN ITS FAIR PROPORTIONS SHOWS OFF TO THE WORLD SINCE THE ROAD HAS BEEN ROOFED. THE DEPOT WILL BE READY FOR OCCUPANCY IN ABOUT TWENTY DAYS.

THE 7:30 OUTGOING PASSENGER TRAIN ON THE WESTERN AND ATLANTIC, YESTERDAY MORNING, MADE THE TRIP ALL RIGHT, TRANSFERRING THE PASSENGERS A DISTANCE OF TWO MILES INTO THE STATE OF ALABAMA. A FEW MINUTES AFTER THE TRAIN HAD LEFT, IT CAME BACK, HAVING BEEN STOPPED BY A HORSE, WHICH HAD BEEN TURNED OUT OF THE RAILROAD TRACK. THE ENGINE HAD BEEN TURNED OUT OF THE RAILROAD TRACK, AND THE TRAIN HAD BEEN TURNED BACK INTO THE RAILROAD TRACK.

THE ENGINE STRUCK THIS PLACE THAT HAD BEEN UNDERMAINTAINED, AND HAD BEEN DRIVEN AT A LIVELY RATE, THE ENGINE CONSIDERING THE TRACK PERFECTLY SAFE. THE ENGINE RAN LIGHTLY ACROSS THE BROKEN RAILS WHEN THE MAIL CAR BROKE THROUGH, THE STRAIN UPON IT BREAKING IT IN TWO UNEQUAL PARTS, AND ALSO BREAKING THE TENDER LOOSE FROM THE ENGINE, JERKING THE TENDER WITH IT INTO THE YAWNING ABYSS. THE ENGINE LANDED ACROSS THE FILLED AND LAY ALMOST EVENLY BALANCED ON THE EDGE OF THE BREAK. THE BREAK EXTENDED TO THE ENTIRE HEIGHT OF THE BANK, ABOUT 75 FEET, AND WAS ABOUT 50 FEET ACROSS.

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LYCETT'S ART SCHOOL  
AND  
CHINA DECORATING WORKS.

57 Whitehall Street, Atlanta, Ga.  
PROSSES IN CHINA PAINTING, OIL AND  
Water Color, Photo Coloring, Embroidery, etc.  
Fringes and Gimp, and answers a specialty.  
Does not sell fine art materials, China, etc.  
Write for circulars.

H. L. KIMBALL, L. B. WHEELER & CO.,  
ARCHITECTS,  
96 Peachtree Street.

## COTTON AND WEATHER.

Cotton—Middling uplands closed in Liverpool  
yesterday at 6%; New York at 11 1/2%; in Atlanta  
at 5 1/2%.

DAILY WEATHER REPORT:  
OBSERVER'S OFFICE SIGNAL CORPS U. S. A.  
U. S. CUSTOM HOUSE, April 16, 10:30 P.M.  
All observations taken at the same moment of  
time at each place named.

NAME OF STATION.	Barometer.	Thermometer.	Wind.	Dew Point.		Weather.
				Direction	Force.	
Atlanta	30 00 06	36 N. W.	Fresh	00	Clear.	
Augusta	29 93 65	36 N. W.	Fresh	00	Clear.	
Grassville	29 93 65	63 S. E.	Fresh	00	Clear.	
Lawrenceville	29 93 65	63 S. E.	Fresh	00	Clear.	
Kennesaw	30 05 72	63 S. E.	Fresh	00	Clear.	
Mobile	30 06 64	63 W.	Light	00	Clear.	
Waco, Texas	29 93 67	63 S. E.	Light	00	Clear.	
Pensacola	30 05 67	63 S. E.	Light	00	Clear.	
Palestine	29 95 79	45 S. E.	Light	00	Clear.	
Baltimore	29 95 79	45 S. E.	Fresh	00	Clear.	

## LOCAL OBSERVATIONS

Observation	Minimum	Maximum	Wind	Pressure
5:30 a.m.	29 87 50	47 W.	Fresh	100 Clear.
10:30 a.m.	29 91 70	46 W.	Fresh	100 Clear.
2:30 p.m.	29 90 74	31 W.	Brisk	100 Clear.
5:30 p.m.	29 90 74	31 W.	Fresh	100 Clear.
10:30 p.m.	29 86 56	36 W.	Fresh	100 Clear.
Mean of 5 days.	29 92 04	Maximum therm. 54.8 Minimum 57.3		
"	"	61.6		
"	"	42.7	Total rainfall.	.60

## COTTON BELT BULLER-UP

Observations Taken at 5 p.m.—Local Time

## ATLANTA DISTRICT

Atlanta	Cartersville	Calhoun	Dalton	Gainesville	Griffin	Macon	Madison	Newnan	Spartanburg	Toccoa	West Point
74 57 00	84 53 00	75 56 00	75 56 00	75 59 00	77 49 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	75 56 00	75 56 00	75 59 00	77 49 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	75 56 00	75 56 00	75 59 00	77 49 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	75 56 00	75 56 00	75 59 00	77 49 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	76 54 00

## AVERAGE

Atlanta	Charleston	Augusta	Calhoun	Dalton	Gainesville	Griffin	Macon	Madison	Newnan	Spartanburg	Toccoa	West Point
74 57 00	84 53 00	80 52 00	75 56 00	75 56 00	75 59 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	80 52 00	75 56 00	75 56 00	75 59 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	80 52 00	75 56 00	75 56 00	75 59 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	74 49 00	76 54 00
74 57 00	84 53 00	80 52 00	75 56 00	75 56 00	75 59 00	82 54 00	74 49 00	76 54 00	74 49 00	74 49 00	74 49 00	76 54 00

Illustrated  
Price Lists, describing new  
improvements.

W. H. GREEN	Gen. Manager
Atlanta	
Charleston	
Augusta	
Calhoun	
Dalton	
Gainesville	
Griffin	
Macon	
Madison	
Newnan	
Spartanburg	
Toccoa	
West Point	

## ATLANTA &amp; NEW ORLEANS SHORT LINE

## ATLANTA &amp; WEST POINT

## WESTERN R'Y OF ALABAMA

## SHORTEST AND QUICKEST LINE

Between the Southwest and the Northeast. Double Daily Line of

## (PULLMAN SLEEPERS).

Between New Orleans, Mobile and Montgomery to Atlanta and Washington.

## TAKING EFFECT SUNDAY, DEC. 30, 1883.

## No. 50, Nos. 32 &amp; 33.

10 Dials	9:30pm	Ar. N. Or. & Lv.	No. 31	No. 53.
10 Dials	9:30pm	Montgomery	11:30pm	1:35pm
6:40pm	5:00am	Chesapeake	9:15am	11:00am
6:40pm	5:00am	Opelika	9:00pm	11:30pm
6:40pm	5:00am	Albion	11:00am	12:45pm
2:20pm	12:00pm	Atlanta	1:30pm	3:45pm
4:00pm	5:00am	Luttrell	1:30pm	3:45pm
8:00pm	9:00pm	Washington	9:00pm	10:00am
8:00pm	9:00pm	Mobile	2:00am	3:27pm
9:00pm	8:40pm	New York	6:30pm	8:25pm
9:00pm	8:40pm	Lev. Boston	4:00pm	

Pullman sleepers on trains 50 and 51 between Atlanta and New Orleans via Kenesaw Route without change.

Pullman sleepers on Nos. 52 and 53 between Washington and New Orleans via Richmond and Western railroad sleepers on trains 32 and 33 between Montgomery and Atlanta.

Train 52 connects at Montgomery with trains for Selma and Enfield. Connections made at Opelika with Columbus and with Columbus and Columbus and Western railroads. All trains except 52 and 53 connect at Chehaw with Tuskegee railroad.

A. J. ORME, G. P. A., Atlanta, Ga.

CECIL GARBETT, J. M., Montgomery, Ala.

ORTHOSTERN RAILROAD OF GEORGIA

## SHORT LINE.

SUPERINTENDENT'S OFFICE, ATHENS, GA., March 26, 1884.

On and after March 31, trains on this road will run as follows:

Train 10, No. 32, 10:30pm.

Leaves Atlanta 9:15am, Arrives Dalton 11:23am.

Chattanooga 12:30pm.

Stops at all important stations.

Train 10, No. 1, 10:30pm.

Leaves Atlanta 2:35pm, Arrives Dalton 6:22pm.

Chattanooga 8:00pm.

Stops at all important stations.

Train 10, No. 14, 10:30pm.

Leaves Atlanta 4:05pm, Arrives Dalton 7:20pm.

Stops at all important stations.

Train 10, No. 17, 10:30pm.

Leaves Atlanta 5:05pm, Arrives Dalton 8:00pm.

Stops at all important stations.

Train 10, No. 11, 10:30pm.

Leaves Atlanta 11:40pm, Arrives Dalton 1:15am.

Stops at all important stations.

Train 10, No. 2, 10:30pm.

Leaves Atlanta 2:55pm, Arrives Dalton 4:40pm.

Stops at all important stations.

Train 10, No. 19, 10:30pm.